

REMARKS

Claims 3, 7, 27-28, 31-32 remain in this application. Claims 33-44 are new. Claims 1-2, 4-6, 21-26, 29-30 have been cancelled. Claims 8-20 have been withdrawn.

The Appeal Decision dated April 29, 2004 has been received and carefully reviewed. Accordingly, the foregoing revisions to the claims are tendered with the conviction that patentable contrast has now been made manifest over the known prior art in accordance with the Appeal Decision. Every effort has been made to conform the claims to the opinions expressed in the Appeal Decision and to put the pending claims in a form to be allowed. Accordingly, in accord with the Appeal decision, consideration of these claims in that spirit is respectfully requested.

The Appeal Decision has acknowledged that claims 3, 7, 27, and 28 are directed to allowable subject matter. Claims 3, 7, and 27 have been amended to independent form including the limitations of superior intervening claims in accordance with the spirit and intent of the Appeal Decision. Thus, resulting in the cancellation of claims 1-2, 6, and 21-24, the intervening claims.

Claims 8-20 have been withdrawn as the result of an earlier restriction requirement.

Claim 31 was amended to include the limitations of Claims 29 and 30 and adding the language "sequentially in a predetermined order." Claims 29 and 30 were thus cancelled. This amendment should be deemed allowable as it follows the same reasoning as outlined in Section II of the Appeal Decision with the addition of "sequentially in a predetermined order." As Claim 31 should now be deemed allowable, dependent Claim 32 should also be found allowable.

Claims 33-39 are new dependent claims that now depend from allowable independent claims (Claims 3 and 7) and should thus be found allowable as well. These claims are essentially a recast of previously presented claims around the now acknowledged allowable claims. For instance, while claims 4-5 have been cancelled, the Examiner will find their essence and other previously presented claims essences in these dependent claims. The undersigned has taken care to recast these dependencies so as to conform to that which was previously before the Examiner, but now in accord with the Appeal Decision. Again, as these now all depend from allowable subject matter, these dependent claims should also be found allowable.

Claim 40 is a new independent claim. Claim 40 is the combination of old claim 21 and old claim 27. Undersigned has added new claim 40 to include the requirements of claim 27, which were found allowable in the Appeal Decision, and all necessary antecedent bases extracted from claim 21. Thus, new claim 40 should be viewed as an expression of the essence of that which the Appeal Decision had deemed patentable ("a 3x3 array of cards"). Since the Examiner and Appeal Board had disparaged the patentability of those elements in the intervening claims they are unnecessary to support the patentability of new claim 40 and have been excised as mere surplusage. Therefore, new claim 40 is believed to be in a form warranting patentable status. Claims 41-44 are new dependent claims which all depend from new independent claim 40 and are essentially a recast of the essence of claims 22-24 and 28, and which should thus be found allowable along with claim 40.

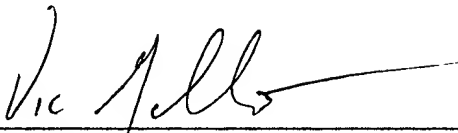
Claims 25-26 have been cancelled.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned to expeditiously resolve same.

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Respectfully submitted

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Date



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